

No. 22
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 15, 2001.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present

North—present
Peters—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Pastor Greg Van Heukelom of Calvary Reformed Church of Mattawan offered the following invocation:

Father God, as we look at our great state, we realize that You are a God of creativity. From the heights of the Porcupine and Huron Mountains to the tranquil, yet raging, White Fish Bay, we see Your creative work and the many islands that dot our Great Lakes and our vast forestlands which are homes to a vast number of wildlife.

Lord, we strive to be just stewards of the natural resources You have entrusted to us. Father, as varied as is our land, so are we, its people. From rural to suburban, small town to major city, our daily lives are vastly different, and yet, O Lord, we are the same. We love; we hurt; we share; and we work.

For those men and women in our state who are struggling with economic slowdown and the loss of jobs, we ask You to grant them strength. For others, O Lord, who are prosperous, may we learn to share our wealth with those less fortunate and give to all the ability to take pride in their work.

Father, today I ask as we beseech You to bless this body, may they know the work they do here is not for themselves but for the people in the state of Michigan, and ultimately, their work is for You. May differences be set aside and a spirit of unity prevail for the betterment of our state.

In Christ's name we pray. Amen.

Senator McCotter entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senator Schwarz be temporarily excused from today's session.
The motion prevailed.

Senator Emerson moved that Senator Vaughn be excused from today's session.
The motion prevailed.

The Secretary announced the printing and placement in the members' files on Wednesday, March 14, of:
Senate Bill Nos. 315 316 317 318 319 320 321 322

Senator Schwarz entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Shugars as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 109, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 16.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 56, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2891 (MCL 333.2891), as amended by 1992 PA 78.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 26

Yeas—31

Bennett	Emmons	Leland	Shugars
Bullard	Gast	McManus	Sikkema
Byrum	Goschka	Miller	Smith
Cherry	Gougeon	Murphy	Steil
DeBeaussaert	Hammerstrom	North	Stille
DeGrow	Hart	Peters	Van Regenmorter
Dingell	Hoffman	Schuette	Young
Emerson	Johnson	Schwarz	

Nays—4

Dunaskiss	Jaye	Koivisto	McCotter
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Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators Dingell, DeBeaussaert, McCotter, Hart and Murphy offered the following resolution:

Senate Resolution No. 27.

A resolution to memorialize the Congress of the United States to enact legislation to provide for federal regulations to minimize delays and promote safety at blocked railroad crossings or to provide that the states may regulate railroad crossings.

Whereas, On April 12, 2000, the United States District Court, Eastern District of Michigan, Southern Division, struck down Michigan’s state statute regulating the length of time trains could block railroad crossings; and

Whereas, This decision affects the ability of the state of Michigan and all of its political subdivisions to prohibit trains from blocking any roadway for any period of time; and

Whereas, Many communities require grade crossings to provide emergency services to all parts of their communities; and

Whereas, Many vital grade crossings could and will now be blocked by trains, prohibiting or severely limiting the ability to provide needed emergency services in a timely manner; and

Whereas, Recent mega-mergers in the railroad industry and the booming economy have resulted in greatly increasing train traffic; and

Whereas, Some accidents occur when drivers speed through intersections ahead of trains because the drivers fear they will be delayed for an extended period if they do not beat the train through the crossing; and

Whereas, There is no current federal law or rule regulating trains blocking a grade crossing; and

Whereas, Without federal legislation, the state of Michigan and all of its political subdivisions are now without the authority to provide such regulation and have no remedy to this situation; and

Whereas, There is a bill in Congress, H.R. 433, introduced by Michigan's Representative John Dingell, that would require federal regulations to address railroad crossing delays; and

Whereas, Another bill pending in Congress, H.R. 432, also introduced by Congressman Dingell, would allow regulation by a state or local government if the United States Secretary of Transportation has not done so by August 1, 2002; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact H.R. 432 and H.R. 433; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Emmons moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Transportation and Tourism.

The motion prevailed.

Senator Young was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senator Steil introduced

Senate Bill No. 331, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 107, 525, 531, and 537 (MCL 436.1107, 436.1525, 436.1531, and 436.1537), section 531 as amended by 2000 PA 399, and by adding section 532.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senator Dingell introduced

Senate Bill No. 332, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3133.

The bill was read a first and second time by title and referred to the Committee on Financial Services.

Senators Hart, Hammerstrom, Bullard and Dunaskiss introduced

Senate Bill No. 333, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senators Steil, Bullard, Hammerstrom and Dunaskiss introduced

Senate Bill No. 334, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senators Bullard, Hammerstrom and Dunaskiss introduced

Senate Bill No. 335, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2000 PA 460.

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senators Bullard, Hammerstrom and Dunaskiss introduced

Senate Bill No. 336, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1998 PA 103.

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senators Dunaskiss, Bullard, Steil, Hammerstrom, Schuette, McCotter, Bennett, Koivisto, North, Jaye, Sikkema and Shugars introduced

Senate Bill No. 337, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008).

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 30, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16277 and 20190.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: Senators Byrum and Emerson

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 4322, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3913 (MCL 500.3913), as added by 1992 PA 84.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Emerson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, March 13, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Emerson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Meeting held on Wednesday, March 14, 2001, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hoffman (C), Goschka and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submits the following:

Meeting held on Wednesday, March 14, 2001, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators North (C), Goschka and Dingell

Scheduled Meetings

Appropriations - Tuesday, March 20, and Wednesday, March 21, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Community Health - Tuesday, March 20, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1777)

Higher Education - Friday, April 20, 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, corner of Kearsley Street and southbound Chavez, Flint; Monday, April 23, 10:00 a.m., Grand Valley State University, Grand Rapids Campus-DeVos Center, 401 W. Fulton Street, Grand Rapids; Friday, May 4, 10:00 a.m., Concordia College, Student Union-Riverside Rooms A, B, and C, 4090 Geddes Road, Ann Arbor; Friday, May 11, 10:00 a.m., Lake Superior State University, Cisler Center, 650 W. Easterday Avenue, Sault Ste. Marie; and Tuesday, May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Economic Development, International Trade and Regulatory Affairs - Tuesday, March 20, 1:00 p.m., Room 110, Farnum Building (373-7946)

Health Policy - Tuesday, March 20, 3:00 p.m., Room 100, Farnum Building (373-0793)

Judiciary - Wednesday, March 21, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Legislative Retirement Board of Trustees - Wednesday, March 21, 3:00 p.m., Room H65, Capitol Building (373-1725)

Local, Urban and State Affairs - Wednesday, March 21, 2:30 p.m., Exhibit Hall A, Lansing Center, Lansing (373-1707)

Transportation and Tourism - Tuesday, March 20, 1:00 p.m., Room 100, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:18 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, March 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.